IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3942 OF 2006
IN
FIRST APPEAL NO.2248 OF 2006

Shri Rahul Vilas Tanak & Anr. ... Applicants

Versus

Shri Vijay Prabhakar Deshpande ... Respondent

Shri S.H.Joshi for the Applicants.
Shri Ajay S. Patil for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : FEBRUARY 12, 2007.

P.C.:

1. Heard Advocate for the Applicants. None appears for the Respondent. Advocate for the Applicants states that amicable settlement may not be possible.

2. Heard Advocate for the Applicants. The impugned decree is a money decree. The execution of the money decree cannot be stayed unless the Applicants deposit the decretal amount. The Advocate for the Applicants states that a sum of Rs.3,00,000/- has been already deposited by the Applicants in the trial Court.

3. Considering the decree and facts of the case, the Applicants will have to deposit the entire decretal amount with interest thereon at the rate of 6% per annum with the trial Court within a period of three months from today. The Applicants will be entitled to adjustment of the amount earlier deposited by them with

the trial Court on the basis of impugned decree. The Respondent will have to be permitted to withdraw the amount on furnishing adequate security.

4. Hence, Civil Application is disposed of by passing following order:

(i) There will be interim relief in terms of prayer clause (a) subject to the Applicants depositing the entire decretal amount by calculating interest on Rs.2,90,378.79/- at the rate of 6% per annum from the date of the institution of the suit till today with the trial Court within a period of three months from today.

(ii) If compliance is not made within the stipulated time, the interim relief granted will stand vacated without further reference to the Court.

(iii) The trial Court will permit the Respondent to withdraw the amounts deposited by the Applicants on furnishing adequate security for the said amount. The Applicants will be heard before accepting the security.

(iv) No orders as to costs.

Judge.